

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

SHYANDREA AND MARY  
HESTER, et al.,

Plaintiffs,

V.

LOWNDES COUNTY COMMISSION,  
CHRISTOPHER BROWN,  
EMERGYSTAT, DEPUTY JIMMY  
HARRIS, et al.,

Defendants.

CIVIL ACTION NO.:  
CV-06-572-WHA

**PLAINTIFFS' OBJECTION TO SERVICE OF SUBPOENAS ON NON-PARTIES  
AND MOTION TO QUASH**

**COMES NOW** the Plaintiffs, SHYANDREA and MARY HESTER, by and through their attorney of record, Tyrone Townsend, and enters their Objection to Defendants' Notice of Intent to Serve Subpoenas on all Non-Parties, and also moves this Court to Quash service of all said Subpoenas noticed to the Court served in this action. In support thereof, the Plaintiff would show the following:

1. The time for discovery in the above-styled case ended on May 17<sup>th</sup>, 2007.
2. Defendants CHRISTOPHER BROWN, and EMERGYSTAT, INC, served on the Plaintiffs Interrogatories on or about May 16<sup>th</sup>, 2007 pursuant to Rule 33 of the Federal Rules of Civil Procedure.

3. The Defendants did not serve Interrogatories on the Plaintiffs within sufficient time for Plaintiffs to respond within the discovery deadline.
4. The Plaintiffs served Interrogatories, and Request for Production on Defendants, as well as Request for Admissions on Defendant Christopher Brown on April 11<sup>th</sup>, 2007.
5. The Defendants have failed to respond to any discovery requests by Plaintiffs within the time period allowed under the Federal Rules of Civil Procedure.
6. The documents sought by subpoena of third parties, by Defendants, are either irrelevant or immaterial, confidential, and/ or privileged, or otherwise without waiver or exception rendering it discoverable under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure.

Dated: May 21, 2007

Respectfully submitted,

s/Tyrone Townsend

TYRONE TOWNSEND  
Attorney for Plaintiffs  
State Bar I.D. No.: ASB TOW006  
P.O. Box 2105  
Birmingham, Alabama 35201  
Tel: (205) 252-3999  
TTowns1@msn.com

**OF COUNSEL:**

James Earl Finley  
Attorney at Law  
P.O. Box 91  
Trussville, Alabama 35173  
Tel: (205) 655-9286  
Fax: (205) 655-9287  
E-mail: [Finleylawfirm@aol.com](mailto:Finleylawfirm@aol.com).

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document on all counsel of record by placing a copy of the same in the U.S. mail, postage prepaid and properly addressed on this the 21<sup>st</sup> day of May, 2007, as follows:

Celeste P. Holpp, Esq.  
NORMAN, WOOD, KENDRICK & TURNER  
Financial Center - Suite 1600  
505 20<sup>th</sup> Street North  
Birmingham, Alabama 35203

Respectfully submitted,

s/Tyrone Townsend

TYRONE TOWNSEND  
Attorney for Plaintiffs  
State Bar I.D. No.: ASB TOW006  
P.O. Box 2105  
Birmingham, Alabama 35201  
Tel: (205) 252-3999  
TTowns1@msn.com